

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID S. BENSON,	§	
	§	No. 638, 2011
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 1110007869
Appellee.	§	

Submitted: December 13, 2011

Decided: January 3, 2012

ORDER

This 3rd day of January 2012, it appears to the Court that, by notice dated November 23, 2011, the appellant, David S. Benson, was directed to show cause why this matter should not be dismissed for this Court's lack of jurisdiction to entertain a criminal interlocutory appeal. Benson has not responded to the notice to show cause. Benson's failure to respond to the notice to show cause is deemed to be his consent to the dismissal of this appeal.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs

Justice